



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 12 JANUARY 2010  
9.42 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

Justice Richard Lussick, Presiding  
Justice Teresa Doherty  
Justice Julia Sebutinde  
Justice El Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg  
Ms Sidney Thompson

For the Registry:

Mr Gregory Townsend  
Ms Rachel Irura  
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Morris Anyah  
Mr Terry Munyard

1 Tuesday, 12 January 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.42 a.m.]

09:43:14 5 PRESIDING JUDGE: Good morning. We will take appearances,  
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,  
8 opposing counsel. This morning for the Prosecution, Brenda J  
9 Hollis, Mohamed A Bangura and we are joined by our case manager  
09:43:44 10 Maja Dimitrova.

11 PRESIDING JUDGE: Thank you. Yes, Mr Anyah.

12 MR ANYAH: Good morning, Mr President. Good morning, your  
13 Honours. Good morning, counsel for the Prosecution.  
14 Representing the Defence this morning, Terry Munyard and myself  
09:43:58 15 Morris Anyah. Mr President, as your Honours can see, Mr Taylor  
16 is not here and I don't know if the Court wished to make a remark  
17 about that but we certainly do wish to make a remark about that.

18 PRESIDING JUDGE: We don't know much about why he isn't  
19 here. I heard something about transport problems, but what can  
09:44:19 20 you tell us, Mr Anyah?

21 MR ANYAH: Well, I have no further information than you  
22 have, Mr President. We usually consult with our client every  
23 morning as a matter of practice and we were here before 9 o'clock  
24 and Mr Munyard sought to consult with him and when he spoke with  
09:44:37 25 the ICC security officer outside the courtroom attempts to reach  
26 those who usually bring him to the room adjacent to the courtroom  
27 were fruitless, and as we stand now before the Court, we have no  
28 information about the whereabouts of our client. As is also  
29 evident Mr Griffiths is not here, and we typically would seek the

1 permission or authority of Mr Taylor to proceed, and I am unable  
2 to do so. I do have Mr Griffiths's authority to proceed and I am  
3 ready to proceed, but I think in the first instance we need to  
4 find out where Mr Taylor is.

09:45:13 5 PRESIDING JUDGE: Yes, I agree with that, Mr Anyah.

6 Ms Hollis, I don't know whether you wanted to add anything.

7 MS HOLLIS: We have not even the information that  
8 your Honours and the Defence have, so we have nothing to add.

9 PRESIDING JUDGE: Thank you. Well, just for the record,  
09:45:30 10 it's almost 9.45 now and the accused, Mr Taylor, is not in court.  
11 There is very little information as to why that is. All the  
12 judges have been told is that there was some transport problems.  
13 So we have no option now but to adjourn the Court until such time  
14 as we hear something positive about the accused.

09:46:03 15 We will adjourn for now.

16 [Break taken at 9.46 a.m.]

17 [Upon resuming at 10.17 a.m.]

18 [The accused present]

19 PRESIDING JUDGE: Well, Mr Anyah, have you heard anything  
10:18:52 20 more as to the delay caused to bringing your client to Court this  
21 morning?

22 MR ANYAH: Yes, Mr President. I should firstly say that  
23 Mr Taylor has authorised us to proceed in the absence of lead  
24 counsel, Mr Griffiths.

10:19:10 25 We have spoken with Mr Taylor regarding the circumstances  
26 why he arrived here out of time, so to speak, and indications are  
27 that it implicates the movement of detainees from the ICC  
28 detention centre to the Courthouse. Out of some caution, and  
29 perhaps respect for the Dutch security services, to go into the

1 amount of detail I wish to it might be necessary to go into a  
2 private session, because I might touch upon the timing of  
3 movement of detainees and so on. I leave it in your discretion.  
4 I am prepared to speak about the matter in public, but in these  
10:19:53 5 instances it sometimes is appropriate to do so in private.

6 PRESIDING JUDGE: It's not going to endanger any protected  
7 witness, is it?

8 MR ANYAH: Certainly not. Not in our case, and I could  
9 proceed if your Honours so desire.

10:20:11 10 What we do know is that several months ago a circumstance  
11 arose at the detention centre where the Dutch security services  
12 who are responsible for transporting detainees attempted to move  
13 both Mr Taylor and another detainee in what could be termed as  
14 the same convoy; that is, they would take Mr Taylor down from his  
10:20:37 15 cell to a waiting vehicle, have him placed in the vehicle, he  
16 would be handcuffed upon being taken downstairs, and his ability  
17 to use the telephone would be discontinued, and he would have to  
18 sit in the vehicle for sometimes up to half an hour while they  
19 would go upstairs and bring a second detainee and place the  
10:21:01 20 second detainee in another vehicle and attempt to move both  
21 detainees simultaneously to the Courthouse.

22 Mr Taylor and the other detainees lodged complaints to the  
23 ICC chief of detention. Assurances were given to them that this  
24 mode of transportation would no longer be employed because of the  
10:21:23 25 discomfort it posed to the detainees being handcuffed in a van  
26 and sitting there for thirty minutes while another detainee was  
27 brought from his cell to another vehicle.

28 This morning the Dutch security services attempted to  
29 repeat the same mode of transportation. They took Mr Taylor

1 down. For those not in Holland the temperature is about perhaps  
2 30 degrees Fahrenheit. They attempted to place him in this  
3 vehicle in handcuffs, and he would have had to have sat in the  
4 vehicle for at least half an hour in the cold, and Mr Taylor had  
10:22:02 5 refused and additional arrangements had to be made.

6 Now, the disconcerting part of all of this is that the time  
7 at which Mr Taylor was taken downstairs was at about 8.30 this  
8 morning. He had no means of communication with counsel. No  
9 member of the Registry, as far as I am aware of, were contacted  
10:22:25 10 by the security services to indicate that this was the state of  
11 affairs, and so even when we were here in Court assembled at  
12 about 9.35, we had no idea where our client was. We didn't know  
13 if he was on the way here; we just knew there were difficulties  
14 occasioned by transportation issues, and so that's very  
10:22:48 15 disconcerting to all of us.

16 I should make one additional point that is not on the  
17 record, but this touches upon Mr Taylor's efforts to be here and  
18 present at these proceedings.

19

10:23:01 20 {Redacted}

21

22 Bearing that in mind and asking him at age 61 to sit in a  
23 van for thirty minutes in the cold, handcuffed while another  
24 detainee is being brought from upstairs, all to get him to the  
10:23:37 25 courthouse we find is unacceptable. So I don't think that the  
26 delay could in any way be attributed to the conduct of our  
27 client.

28 Assurances were given by the relevant detention centre  
29 personnel. They breached those assurances. After several months

1 of the same practice of transporting the detainees separately to  
2 the courthouse, they reinstated the problematic mode of  
3 transportation today and as a consequence we are now at 10.25  
4 past the hour and almost an hour late for the commencement of the  
10:24:09 5 court session. In sum and substance that's what we know.

6 PRESIDING JUDGE: Thank you, Mr Anyah. Ms Hollis, I will  
7 give you a chance to say something if you want to but I am aware  
8 you didn't know any of the circumstances this morning.

9 MS HOLLIS: The Prosecution has nothing to contribute,  
10:24:27 10 Mr President.

11 PRESIDING JUDGE: Thank you. Well, it's very concerning to  
12 the Court that close on an hour, 55 minutes, has just been  
13 completely wasted because the accused, Mr Taylor, has not been  
14 produced to the Court. But in fairness to security, we haven't  
10:24:53 15 heard their side of it, so we will direct the Acting Registrar  
16 through the head of The Hague sub-office to provide a report on  
17 exactly what happened this morning and ways to avoid it in the  
18 future.

19 Now, as for the conduct of the case this morning, we note  
10:25:17 20 that Mr Taylor, who is now in court, has given his consent for  
21 the case to proceed in the absence of lead counsel, Mr Griffiths.  
22 That leads us to the next problem we have and that is with the  
23 LiveNote system. The last the judges were told is that it's not  
24 just the LiveNote system, but the whole of the Special Court  
10:25:49 25 network is down.

26 Madam Court Manager, is that still the position?

27 MS IRURA: Your Honour, the court network seems to be  
28 fluctuating but presently I have been able to connect to LiveNote  
29 although it's coming in spurts, but I would be able to probably

1 broadcast my LiveNote if that could be of assistance, although  
2 that would mean that I wouldn't be able to use my screen for  
3 other purposes such as transcripts, but I would be able to  
4 broadcast my LiveNote and if participants were to press PC-1 they  
10:26:29 5 would be able to view LiveNote, although right at this moment I  
6 need to use it briefly to convey your directive and then I can  
7 broadcast it.

8 PRESIDING JUDGE: Thanks, Madam Court Manager. I would  
9 appreciate it if you would send that directive to the head of The  
10:26:53 10 Hague sub-office and then do I understand that you will be ready  
11 to broadcast the transcript from then on or do you need some  
12 time?

13 MS IRURA: Your Honour, unfortunately my LiveNote also now  
14 seeming to be scrambling, so I think we would need to re-look the  
10:27:19 15 network problem that we are facing.

16 PRESIDING JUDGE: All right. Thank you, Madam Court  
17 Manager.

18 MS HOLLIS: Mr President, if I could just add, I had  
19 switched to PC-1 to see if I could get the transcript there and  
10:27:34 20 it continues to stop and start and stop and start, so there are  
21 obviously problems with that remedy as well, and we can get  
22 nothing on our computers either.

23 PRESIDING JUDGE: Thank you, Ms Hollis. Well, in view of  
24 the technical problems, we are going to adjourn for a brief  
10:29:03 25 amount of time and, Madam Court Manager, we would be obliged if  
26 you would join us in our room for a few moments, please. We will  
27 go off the Bench now. Mr Taylor, yes?

28

29 {Redacted}

1 {Redacted}

2

3 We will now order that any reference this morning to

4 Mr Taylor's {redacted} be redacted from the public

10:31:32 5 record. We would also order those members of the public who have

6 heard what was said about {redacted}

7 {redacted} not to repeat it in public.

8 We will adjourn now.

9 [Break taken at 10.30 a.m.]

10:08:33 10 [Upon resuming at 11.26 a.m.]

11 PRESIDING JUDGE: Well, here we are. It's 26 past 11 and  
12 we haven't heard one word of evidence today. As everybody knows,  
13 we resumed from recess yesterday and we have had problems ever  
14 since. We know what happened over the recess was that the

11:28:03 15 Special Court office was moved to the STL and I understand, and I  
16 could be wrong, that there are problems with the cable from  
17 there. I am also told that there are problems with the Dutch  
18 service provider and I am further told that wiring was done over  
19 the recess to prepare this Court for hearings under the ICC  
11:28:36 20 jurisdiction. I understand there's problems with that wiring.

21 But more in tune with the present problems is the Court  
22 Manager who has been monitoring the situation today, so I will  
23 ask Madam Court Manager if she could bring us up to date on the  
24 existing problems as she has been told.

11:29:05 25 MS IRURA: Your Honour, on behalf of the Registry, the  
26 present situation is that we are experiencing problems with the  
27 Dutch service provider who are receiving an intermittent signal.  
28 As a result LiveNote functions and goes on and off, as well as  
29 our drives on the SCSL network because that is also affected by



1 the drives. For these purposes I was able to broadcast for a  
2 while my LiveNote but then I also succumbed to the technical  
3 problems because of the SCSL network and hence would not be able  
4 to effect, for example, redactions in the event that there was  
11:29:53 5 one. I think that is the position on behalf of the Registry,  
6 your Honour.

7 PRESIDING JUDGE: All right. Well, from what I understand,  
8 the stenographer is still available and the proceedings will also  
9 be recorded by audio recorder. It will mean of course that we  
11:30:17 10 will be proceeding without any written record, we won't be able  
11 to refer electronically to any documents and I am not sure how  
12 the broadcast to the public is affected. But I will hear from  
13 the parties. I know this causes difficulties in presentation of  
14 your cases as well.

11:30:49 15 Ms Hollis, you are in the process of cross-examining at the  
16 moment. How do you find your situation now?

17 MS HOLLIS: Well, the door is firmly locked and bolted  
18 against us in terms of access to anything, Mr President. So it  
19 would be very difficult for us to proceed. Of course we can  
11:31:07 20 attempt it if your Honours wish, but it would cause considerable  
21 difficulty for us.

22 PRESIDING JUDGE: I understand. Thank you. Mr Anyah?

23 MR ANYAH: Our situation is no better, Mr President. My  
24 screen, as I look at it, the monitor is frozen essentially. I  
11:31:24 25 cannot access the Defence's unique drive on the overall court  
26 hard drive and I therefore cannot access any electronic  
27 documents, transcripts of prior proceedings and the like. I have  
28 called our case manager to see if hard copies or binders could be  
29 delivered but I am told that the court's telephone system is

1 having difficulties so she cannot call transport to bring the  
2 binders to us and frankly I don't think it would be in the  
3 interest of our client for us to attempt to proceed.

4 PRESIDING JUDGE: I understand. Another added problem of  
11:32:03 5 course is because the - this is my understanding and again I  
6 could be wrong, but because the SCSL system is down, if we all go  
7 back to our offices we possibly wouldn't be able to do anything  
8 productive there either. I understand telephones are not working  
9 and the system is down as well. So it's a totally impossible  
11:32:29 10 situation in which to run a trial and, Madam Court Manager, if  
11 you would please refer what I am going to say to the Acting  
12 Registrar.

13 We direct the Acting Registrar as a matter of utmost  
14 urgency to look into these technical problems so that we can get  
11:32:54 15 on with the trial. I would appreciate an urgent report from the  
16 Acting Registrar and some commitments as to being provided with a  
17 viable system in which to continue this trial.

18 Now, as for today's proceedings, if I can just pause there,  
19 I wish to talk to my colleagues.

11:33:26 20 [Trial Chamber conferred]

21 PRESIDING JUDGE: On our current position, I understand our  
22 senior legal officer was told something by our technicians about  
23 1 o'clock. What was that again?

24 MR MEISENBERG: I have talked to the technician and he told  
11:34:11 25 me that the company would call him at 1 o'clock and give him an  
26 update on the current situation, so at 1 o'clock we would be in a  
27 better position to know whether we can proceed today or not.

28 PRESIDING JUDGE: Well, I think in the circumstances,  
29 unless either of the parties have any other suggestions, we will

1 write off the rest of this morning and hope that if we come back  
2 at 2.30 we might be able to at least salvage half a day of the  
3 hearing. So are there any objections to that procedure?

4 MR ANYAH: None from the Defence, Mr President.

11:35:01 5 PRESIDING JUDGE: Ms Hollis.

6 MS HOLLIS: None from the Prosecution.

7 PRESIDING JUDGE: All right. I consulted the parties  
8 obviously because I know the inconvenience this is causing to  
9 everybody and I think in the circumstances we will proceed along  
10 those lines. We will now adjourn and we will come back at 2.30  
11 in the hope that we can proceed then.

12 [Lunch break taken at 11.34 a.m.]

13 [Upon resuming at 2.30 p.m.]

14 PRESIDING JUDGE: I'm sorry to say that the technical  
14:33:30 15 problem that prevented us from proceeding this morning is still  
16 with us. The head of The Hague's sub-office has been trying to  
17 get some diagnosis and some time frame and he's here now. I'll  
18 get him to read on to the record what he's learned from the  
19 server company. Mr Townsend.

14:34:02 20 MR TOWNSEND: May it please the Trial Chamber. Your  
21 Honours, I am here to report that according to our network  
22 administrator the modems at both the ICC and at the STL where our  
23 seven servers sit are not functioning and our reliance on Colt  
24 Company to provide those functioning modems has put us in a  
14:34:24 25 position where we're still waiting for a proper diagnosis and  
26 once we have that we'll give a proper diagnosis, but we  
27 understand it is the hardware, the two modems, that are  
28 malfunctioning. As soon as we have that information we'll be in  
29 a position to tell you when we'll be up again and we apologise

1 for the failure today.

2 PRESIDING JUDGE: Thank you. I think we're going to have  
3 to adjourn until tomorrow morning. The reasons have been  
4 abundantly stated in court earlier this morning. I'll give the  
14:35:02 5 parties a chance to say anything further if they wish to.

6 Ms Hollis?

7 MS HOLLIS: The Prosecution has nothing further,  
8 Mr President.

9 PRESIDING JUDGE: Thank you. Yes, Mr Anyah?

14:35:14 10 MR ANYAH: Yes, Mr President, neither do we. We have  
11 nothing to add.

12 PRESIDING JUDGE: All right then. We'll adjourn court  
13 until 9.30 tomorrow morning. Mr Taylor, for once you can leave  
14 court without my giving you that warning about discussing your  
14:35:33 15 evidence. 9.30 tomorrow morning.

16 [Whereupon the hearing adjourned at 2.35 p.m.  
17 to be reconvened on Wednesday, 13 January 2010  
18 at 9.30 a.m.]

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